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**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.

★ JAN 4 2017 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

----- X  
DEBRA EARLY-KING,

**STIPULATION AND ORDER  
TO TRANSFER VENUE**

Plaintiff,

Civil Action No.  
17-CV-5853

against

(Ross, J.)  
(Gold, M.J.)

UNITED STATES OF AMERICA,

Defendants.  
----- X

WHEREAS, Plaintiff commenced this action on or about October 5, 2017 under the Federal Tort Claims Act, 28 U.S.C. § § 1346(b), 2671 *et seq.*, by filing a complaint ("Complaint") in the United States District Court for the Eastern District of New York alleging, *inter alia*, that medical malpractice was committed by federally deemed medical providers resulting in plaintiff's injuries; and

WHEREAS the Complaint alleges that plaintiff resides in New York County, New York; and

WHEREAS, the Complaint further alleges that the medical malpractice occurred in a federally-funded clinic located in New York County, New York; and

WHEREAS, pursuant to 28 U.S.C. § 1402(b), any civil tort claim brought against the United States of America under §1346(b) may only be brought either in the district where the plaintiff resides or where the act or omission complained of occurred; and

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WHEREAS, plaintiff resides in, and the alleged act or omission occurred in, the Southern District of New York; and

WHEREAS, the parties now wish for venue to be transferred to the Southern District of New York pursuant to 28 U.S.C. § 1404(b).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and the United States of America, by and through their respective undersigned counsel, and it is ordered by the Court that:

1. The foregoing recitals are hereby incorporated by reference and adopted by the parties as if fully set forth herein;
2. Venue shall be transferred to the Southern District of New York.

New York, New York  
January \_\_\_\_\_, 2018

Daniel Brett Linson  
Michael A. Fruhling  
GERSOWITZ, LIBO & KOBEK, P.C.  
111 Broadway, 12<sup>th</sup> Floor  
New York, NY 10006

By: \_\_\_\_\_

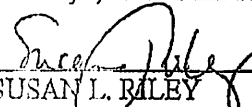
MICHAEL A. FRUHLING  
Attorney for Plaintiff  
212.385-4410

\*\*\*\*\* INTENTIONALLY LEFT BLANK \*\*\*\*\*

Brooklyn, New York  
December 30, 2017

BRIDGET M. RÖHDE  
Acting United States Attorney  
Eastern District of New York  
*Attorney for Defendant*  
*United States of America*  
271 Cadman Plaza East  
Brooklyn, New York 11201

By:

  
SUSAN L. RILEY  
Assistant United States Attorney  
718 254-6037

SO ORDERED this  
3rd day of January 2018

/s/(ARR)

THE HONORABLE ALLYNE R. ROSS  
United States District Judge